

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

FILED - CLERK  
U.S. DISTRICT COURT  
2008 MAY -7 AM 8:45  
TX EASTERN - LUFKIN

BLACKBOARD INC.,

*Plaintiff,*

v.

DESIRE2LEARN INC.,

*Defendant.*

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Civil Action No. 9:06CV155

JUDGE RON CLARK

**ORDER ON DESIRE2LEARN'S EMERGENCY MOTION FOR LIMITED  
EXTENSION OF STAY OF PERMANENT INJUNCTION**

Before the court is Defendant Desire2Learn Inc.'s Emergency Motion for Limited Extension of Stay of Permanent Injunction [Doc. #395]. For the reasons stated on the record, Desire2Learn's motion is granted in part, as follows.

**IT IS THEREFORE ORDERED THAT** the permanent injunction is STAYED until June 11, 2008.

**IT IS FURTHER ORDERED THAT** Desire2Learn shall notify its present clients and all persons and entities with whom Desire2Learn is offering to provide online education products, methods, or services of the injunction and that court does not intend to issue any additional extensions.

**IT IS FURTHER ORDERED THAT** the appropriate reasonable royalty to be paid for the ongoing infringement by Desire2Learn during the additional stay of the injunction, together with anticipated post judgment interest during the pendency of any appeal is

\$194,769.00, which shall be placed in escrow for the benefit of Blackboard, Inc. in accordance with the terms of the Final Judgment contemporaneously entered with this Order.

So **ORDERED** and **SIGNED** this 6<sup>th</sup> day of May, 2008.

A handwritten signature in cursive script, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, District Judge